

28708. Misbranding of Sodium Tartrate with Citrate of Magnesia Effervescent and Ferro China-Tonico Tessitore. U. S. v. Tessitore's Chemical Manufacturing Co., Inc., and Alfredo Tessitore. Pleas of guilty. One year's probation. (F. & D. No. 39826. Sample Nos. 11952-C, 11953-C.)

The first-named product was misbranded because it contained little, if any, citrate of magnesia; and the second was misbranded because it contained less iron and a smaller proportion of cinchona extractives than indicated on the label, and because of false and fraudulent curative and therapeutic claims.

On November 29, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Tessitore's Chemical Manufacturing Co., Inc., and Alfredo Tessitore, of Providence, R. I., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about December 28, 1936, from the State of Rhode Island into the State of Massachusetts of quantities of the hereinafter-described drug products which were misbranded. The articles were labeled: "Tessitore's Chemical Mfg. Co., Inc., Providence, R. I."

Analysis of the Ferro China-Tonico Tessitore showed that it consisted essentially of alkaloids of cinchona equivalent to 5 grams of cinchona bark per 1,000 cubic centimeters of the solution, a small proportion of iron and ammonium citrate, arsenic, saccharin, alcohol, and water.

The sodium tartrate with citrate of magnesia was alleged to be misbranded in that the said statement was false and misleading since it represented that the article was composed in large part of citrate of magnesia; whereas it contained little, if any, citrate of magnesia.

The Ferro China-Tonico Tessitore was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to consist essentially of iron and cinchona and to contain in each 1,000 cubic centimeters 100 grams of the alkaloids of cinchona bark; whereas it contained derivatives of iron and cinchona in inappreciable amounts and contained ingredients other than iron and cinchona extractives; and it did not contain in each 1,000 cubic centimeters 100 grams of the alkaloids of cinchona bark but did contain a less amount. It was alleged to be misbranded in that the statement "Ferro-China," blown in the bottle and borne on the label, and the statement, "Ferro-China Tonico Tessitore Iron and Elixir Calisaya Compound, Formula: Alkaloids of 100 Gm Cinchona Bark * * * to make 1000.00 cc.," borne on the label, were false and misleading. It was alleged to be misbranded further in that certain statements on the bottle label, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to ensure health, as a digestive, to prevent and combat paludal fevers, and to act as antifebrile; and effective as a treatment and cure for headache, loss of appetite, nausea, anemia, and pain in the stomach.

On February 14, 1938, the defendants entered pleas of guilty and were placed on probation for a period of 1 year.

W. R. GREGG, *Acting Secretary of Agriculture.*

28709. Adulteration and misbranding of rubber prophylactics. U. S. v. 71 Gross of Rubber Prophylactics (and 5 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41521, 41522, 41545, 41567, 41647, 42068. Sample Nos. 1038-D, 1404-D, 7652-D, 7653-D, 7783-D, 9353-D.)

Examination of these prophylactics showed that some of them were defective in that they contained holes.

On various dates between January 26 and March 30, 1938, four United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 446½ gross of rubber prophylactics in various lots at New York, N. Y.; Providence, R. I.; Baltimore, Md.; and New Orleans, La. The libels alleged that the article had been shipped in interstate commerce on various dates between November 26, 1937, and March 3, 1938, from Chicago, Ill., by Universal Merchandise Co.; and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Clinic" or "Saf-T-Skin."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements variously appearing in the labeling of the several lots of the product were false and misleading: (Clinic brand) "A dependable product * * * Disease Preventive * * * Disease Preventative * * * Guaranteed 5 Years * * * For